IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 925 of 2006 (S/S)

Sri Sandeep Kumar
S/o Sri Raj Kumar Singhal,
R/o Gangotri Enclave,
Niranjanpur, District Dehradun.

……. petitioner

Versus

1. Uttaranchal Gramin Bank
through its Chairman,
Gandhi Road, Dehradun.
2. Chairman Ganga Yamuna Gramin Bank,
Now Uttaranchal Gramin Bank,
Gandhi Road, Dehradun.

…… Respondents

Mr. Ashish Joshi, learned counsel for the petitioner.
Mr. D.S. Patni, learned counsel for the respondents.

Hon'ble Prafulla C. Pant, J.

By means of this petition, moved under Article 226 of the Constitution of India, the petitioner has challenged the impugned transfer order dated 22.06.2006 (copy Annexure -1 to the writ petition) whereby the petitioner has been directed to join his duties as Branch Manager of the Bank at Bachelikhal, District Tehri Garhwal.

2) Heard learned counsel for the parties and perused the record.

3) Brief facts of the case, as narrated in the writ petition, are that the petitioner is posted as Staff Observer in Ganga Yamuna Gramin Bank (now part of Uttaranchal Gramin

Bank) at Satyanarayan Branch, Dehradun. The petitioner's grievance is that his daughter is handicapped and she has to be taken to hospital at Dehradun, regularly for physiotherapy exercises. For the purposes of exercising jurisdiction under Article 226 of the Constitution of India, the petitioner has to show the violation of right so that the Court may in its discretion, grant the relief sought by the petitioner. In the present case, no right appears to have been violated which attracts powers of this Court, to be exercise under Article 226 of the Constitution of India.

4) Undisputedly, the petitioner's services are transferable and the transfer order does not suffer from malice and arbitrariness, nor is it against the rules.

5) In the circumstances, the writ petition is dismissed in limine with the observation that the petitioner may make a representation to the concerned authority for redressal of his grievances, within a period of one week, and the concerned authority may pass appropriate orders on the same within one month, thereafter. (All pending applications in this Petition also stand disposed of).

(Prafulla C. Pant, J.)

Dt.: December 07, 2006
H.Negi